

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

UNITED STATES OF AMERICA,

Plaintiff,

v.

[6] ROBERTO FERRARIO POZZI,

Defendant.

Crim. No. 98-189 (HL)

MOTION ORDER OF FORFEITURE FOR \$28,482.50

TO THE HONORABLE COURT:

COMES NOW, plaintiff, the United States of America, by and through its undersigned attorneys, and very respectfully move this Honorable Court for an Order of Forfeiture in the above-styled case, and in support thereof represent to the Court the following facts:

1. On December 29, 1998, the Grand Jury returned a Second Superseding Indictment against, among others, the defendant of caption. The Second Superseding Indictment contained forfeiture allegations, pursuant to 18 U.S.C. § 982, listing numerous domestic and foreign bank accounts as subject to forfeiture based on their involvement in Ferrario's money laundering scheme and/or as substitute assets.

2. Moreover, the indictment also sought a personal money judgment against the defendant for a sum of money equal to the total amount involved in each offense, or conspiracy to commit such offense, for which the defendant is convicted.

3. Defendant Ferrario pled guilty to Count 3 of the Second Superseding Indictment on August 15, 2002. On December 18, 2002, defendant Ferrario was sentenced.

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4. The Honorable Court held a hearing on February 13, 2003, to determine the precise amount that Ferrario would be ordered to forfeit to the United States and to identify any specific property subject to forfeiture.

5. On August 21, 2003, the Honorable Court, upon motion by the United States, issued a Preliminary Order of Forfeiture. A careful examination of the motion and order reveals that some accounts that needed to be included in the Preliminary Order of Forfeiture were involuntarily omitted. Thus, the United States moved for an Amended Preliminary Order of Forfeiture including all of the accounts that were inadvertently omitted. Thereafter on June 15, 2005, this Honorable Court granted the United States' Motion and issued an Amended Preliminary Order of Forfeiture.

6. After the Amended Preliminary Order of Forfeiture was issued, it came to the United States' attention that the amount of twenty eight thousand four hundred and eight two dollars and fifty cents (\$28,482.50), which was seized from the defendant, and which he agreed to forfeit to the United States, was not included in the Amended Order. (See Defendant's Plea and Forfeiture Agreement)

7. Therefore, the United States requests that the Court issue an Order of Forfeiture for the amount of twenty eight thousand four hundred and eight two dollars and fifty cents (\$28,482.50).

WHEREFORE, the United States respectfully prays that this Honorable Court:

1. Enter an Order of Forfeiture for twenty eight thousand four hundred and eight two dollars and fifty cents (\$28,482.50).

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CERTIFICATE OF SERVICE

I hereby certify that the following motion has been sent electronically to all attorney's involved in this litigation.

RESPECTFULLY SUBMITTED, in San Juan, Puerto Rico, this 21th day of September, 2005.

H. S. GARCIA
United States Attorney

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